



**COMBINED DECLARATION  
AND POWER OF ATTORNEY**

**(Original, Design, National Stage of PCT, Divisional, Continuation or C-I-P Application)**

As the below named inventors, We hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names; We believe We are the original, first and sole inventors (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NUCLEIC ACIDS COMPRISING REGIONS OF THE RAT PEG-3 PROMOTER  
THAT DISPLAY ELEVATED EXPRESSION IN HUMAN CANCER CELLS  
AND USES THEREOF**

This declaration is of the following type:

- ☐ original
- ☐ design
- ☐ national stage of PCT.
- ☐ divisional
- ☐ continuation
- ☒ continuation-in-part (C-I-P)

the specification of which: (*complete (a), (b), or (c)*)

- (a) ☐ is attached hereto.
- (b) ☒ was filed on July 21, 2000 as Application Serial No. 09/621,781 and was amended on December 17, 2002 and April 10, 2003.
- (c) ☐ was described and claimed in PCT International Application No. filed on and was amended on (*if applicable*).

**Acknowledgment of Review of Papers and Duty of Candor**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the subject matter claimed in this application in accordance with Title 37, Code of Federal Regulations § 1.56.

☒ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.98.

**Priority Claim**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed

(complete (d) or (e))

(d) ☒ no such applications have been filed.(e) ☐ such applications have been filed as follows:

| PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION       |                 |                                      |  |
|---|-----------------|--------------------------------------|--|
| COUNTRY   | APPLICATION NO. | DATE OF FILING<br>(day, month, year) | DATE OF ISSUE<br>(day, month, year)  |
|   |                 |                                      | PRIORITY CLAIMED<br>UNDER 35 USC 119<br><input type="checkbox"/> YES <input type="checkbox"/> NO |
|   |                 |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO   |
|   |                 |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO   |
| ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION |                 |                                      |  |
|   |                 |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO   |
|   |                 |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO   |
|   |                 |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO   |

**Claim for Benefit of Prior U.S. Provisional Application(s)**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| Provisional Application Number | Filing Date |
|--------------------------------|-------------|
|                                |             |
|                                |             |
|                                |             |

**Claim for Benefit of Earlier U.S./PCT Application(s) under 35 U.S.C. 120**

(complete this part only if this is a divisional, continuation or C-I-P application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

|                          |                |   |
|--------------------------|----------------|---|
| 09/052,753               | March 31, 1998 | pending                                 |
| (Application Serial No.) | (Filing Date)  | (Status) (patented, pending, abandoned) |

|                          |                |   |
|--------------------------|----------------|---|
| PCT/US98/05793           | March 20, 1998 | Abandoned                               |
| (Application Serial No.) | (Filing Date)  | (Status) (patented, pending, abandoned) |

**Power of Attorney**

As a named inventor, I hereby appoint Robert Neuner, Reg. No. 24,316; Richard G. Berkley, Reg. No. 25,465; Bradley B. Geist, Reg. No. 27,551; James J. Maune, Reg. No. 26,946; John D. Murnane, Reg. No. 29,836; Henry Tang, Reg. No. 29,705; Robert C. Scheinfeld, Reg. No. 31,300; John A. Fogarty, Jr., Reg. No. 22,348; Louis S. Sorell, Reg. No. 32,439; Rochelle K. Seide Reg. No. 32,300; Gary M. Butter, Reg. No. 33,841; Lisa B. Kole, Reg. No. 35,225; and Anthony Giaccio, Reg. No. 39,684 of the firm of BAKER BOTTS L.L.P., with offices at 30 Rockefeller Plaza, New York, New York 10112, as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith

|   |  |
|---|--|
| SEND CORRESPONDENCE TO:<br>BAKER BOTTS L.L.P.<br>30 ROCKEFELLER PLAZA, NEW YORK, N.Y. 10112<br>CUSTOMER NUMBER: 21003 | DIRECT TELEPHONE CALLS TO:<br>BAKER BOTTS L.L.P.<br>(212) 408-2500 |
|---|--|

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|  |  |                                      |  |
|--|--|--------------------------------------|--|
| FULL NAME OF SOLE OR FIRST INVENTOR        | LAST NAME<br>Fisher                                | FIRST NAME<br>Paul                   | MIDDLE NAME<br>B.                                    |
| RESIDENCE & CITIZENSHIP                    | CITY<br>Scarsdale                                  | STATE or FOREIGN COUNTRY<br>New York | COUNTRY OF CITIZENSHIP<br>US                         |
| POST OFFICE ADDRESS                        | POST OFFICE ADDRESS<br>15 Gordon Place             | CITY<br>Scarsdale                    | STATE or COUNTRY<br>New York                         |
| DATE<br>2/20/04                            | SIGNATURE OF INVENTOR<br><i>Paul B. Fisher</i>     |                                      |  |
| FULL NAME OF SECOND JOINT INVENTOR, IF ANY | LAST NAME<br>Su                                    | FIRST NAME<br>Zao-Zhong              | MIDDLE NAME  |
| RESIDENCE & CITIZENSHIP                    | CITY<br>New York                                   | STATE or FOREIGN COUNTRY<br>New York | COUNTRY OF CITIZENSHIP<br>People's Republic of China |
| POST OFFICE ADDRESS                        | POST OFFICE ADDRESS<br>705 West 170th St., Apt. 24 | CITY<br>New York                     | STATE or COUNTRY<br>New York                         |
| DATE<br>2/20/04                            | SIGNATURE OF INVENTOR<br><i>Zao-Zhong Su</i>       |                                      |  |
| FULL NAME OF THIRD JOINT INVENTOR, IF ANY  | LAST NAME  | FIRST NAME                           | MIDDLE NAME  |
| RESIDENCE & CITIZENSHIP                    | CITY   | STATE or FOREIGN COUNTRY             | COUNTRY OF CITIZENSHIP                               |
| POST OFFICE ADDRESS                        | POST OFFICE ADDRESS                                | CITY                                 | STATE or COUNTRY                                     |
| DATE                                       | SIGNATURE OF INVENTOR                              |                                      |  |
| FULL NAME OF FOURTH JOINT INVENTOR, IF ANY | LAST NAME  | FIRST NAME                           | MIDDLE NAME  |
| RESIDENCE & CITIZENSHIP                    | CITY   | STATE or FOREIGN COUNTRY             | COUNTRY OF CITIZENSHIP                               |
| POST OFFICE ADDRESS                        | POST OFFICE ADDRESS                                | CITY                                 | STATE or COUNTRY                                     |
| DATE                                       | SIGNATURE OF INVENTOR                              |                                      |  |

Check proper box(es) for any added page(s) forming a part of this declaration

- ☐ Signature for fifth and subsequent joint inventors. Number of pages added \_\_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_.
- ☐ Signature for inventor who refuses to sign, or cannot be reached, by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_.